

OPINION
56-60

August 7, 1956 (OPINION)

COUNTIES

RE: Conveyance of Armory Site to City

This is in reply to your letter of August 1, 1956 requesting an opinion of this office in regard to whether a site now belonging to the County of Traill can be conveyed for armory-auditorium use.

You enclose a copy of a memorandum decision of Judge Sad, determining in effect that the complaint of the city of Hillsboro in condemnation did not allege a more necessary public use than the public use to which the premises were already devoted, such premises now being used for a court house lawn and site for possible future county buildings.

You inform us that the city's position is now that while Traill County cannot be compelled by condemnation to provide any portion of the premises concerned for armory erection purposes, the county can lawfully convey a sufficient site for the erection of the proposed auditorium-armory.

It is our opinion that the city's position is substantially correct. Chapter 37-10 of the 1953 Supplement to the N.D.R.C. of 1943 authorizes a county to cooperate with the city, state and federal governments in the erection of an armory. The authority for a direct conveyance of the premises to the governmental agencies erecting the armory would necessarily come within chapter 11-27 of the N.D.R.C. of 1943. The authority to furnish the site as the county's share of the project of constructing the armory is, we believe, available in said chapter 37-10.

LESLIE R. BURGUM

Attorney General